

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

House Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

CHAPTER 44

HOUSE BILL 2130

AN ACT

AMENDING SECTION 44-1323, ARIZONA REVISED STATUTES; RELATING TO THE SALE AND DISPOSAL OF BATTERIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 44-1323, Arizona Revised Statutes, is amended to
3 read:
4 44-1323. Sale of lead acid batteries; fee; notice
5 A. A lead acid battery seller shall accept from customers at the point
6 of transfer used lead acid batteries of the type and quantity sold at that
7 point of transfer and may accept additional batteries. A seller shall not
8 charge any fee to receive those batteries, other than the fee authorized by
9 subsection B. A lead acid battery seller shall post a written notice ~~which~~
10 THAT is clearly visible in the public sales area of the establishment and
11 ~~which~~ THAT contains the following language:
12 "It is unlawful to dispose of a motor vehicle battery or
13 other lead acid battery in a landfill or any unauthorized site.
14 Recycle all used batteries.
15 This seller is required by law to accept used lead acid
16 batteries. When any new lead acid battery is purchased, an
17 additional fee of ~~five~~ NOT MORE THAN FIFTEEN dollars will be
18 charged unless a used battery is returned for refund within
19 ~~thirty~~ FORTY-FIVE days."
20 B. Each person who purchases a new lead acid battery shall be assessed
21 a fee of ~~five~~ NOT MORE THAN FIFTEEN dollars per battery by the seller. A
22 seller shall refund the ~~five-dollar~~ fee to any person who presents a used
23 lead acid battery to the seller with a receipt for the purchase of a new
24 battery from that seller within the ~~thirty~~ FORTY-FIVE day period immediately
25 following the purchase. A seller may keep any lead acid battery fee monies
26 ~~which~~ THAT are not properly claimed within ~~thirty~~ FORTY-FIVE days after the
27 date of sale.
28 C. All lead acid batteries sold after July 1, 1991 shall bear a
29 universally accepted recycling symbol.
30 D. An advertisement or other printed promotional material related to
31 the sale of lead acid batteries shall contain the following notice in bold
32 print:
33 "A fee is imposed on the purchase of each new lead acid
34 battery unless a used battery is returned where applicable."
35 E. This section does not apply to a person whose sales of batteries
36 are not in the ordinary course of business.
37 F. A wholesale seller of lead acid batteries who sells batteries to
38 this state, to a political subdivision of this state or to a private entity
39 ~~which~~ THAT does not resell the batteries is subject to the ~~provisions of this~~
40 article.

APPROVED BY THE GOVERNOR APRIL 14, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2010.